

REMARKS

Claims 8 and 10-13 are currently pending in the application. No claims have been amended, added, or canceled. Applicant respectfully requests reconsideration of the pending application in view of the following remarks.

I. Rejection under 35 U.S.C. § 103 of Claims 8 and 11

Claims 8 and 11 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent Publication No. 2002/0103914 to Dutta et al. ("Dutta") in view of U.S. Patent No. 6,189,008 to Easty et al. ("Easty").

Dutta discusses a content filtering system based on whether content meets a special needs user's accessibility requirements. According to Dutta, each special needs user has a user profile indicating a required level of accessibility. When the special needs user attempts to access content, the content filtering system first evaluates the content for a level of accessibility. Via the content filtering system, the special needs user only receives content that meets the required level of accessibility.

Easty discloses a digital content distribution system for proprietary digital content. The proprietary digital content in Easty's system includes, for example, music and movies. When a content delivery request is received from a user, a server retrieves the requested content and delivers it to the user. Easty attempts to utilize this system to also glean information about users' activities (termed affinity information by Easty). To acquire affinity information, Easty discloses, on the user-side, embedding affinity information in user-initiated communications such as requests for the system's digital content. Easty's system then manages the affinity information in an affinity profile for the user.

A. *The cited art fails to disclose providing, in a client application, modules for performing content rating and content filtering as required by claim 8.*

Applicant respectfully submits that neither Easty nor Dutta discloses the claim 8 feature of providing, *in a client application*, modules for performing content rating and content filtering.

In response to Applicant's previous arguments, the Office Action refers Applicant to blocks 630 and 670 of Figures 6 and 7 and corresponding paragraphs of Dutta's specification as evidence that Dutta teaches this feature. *Office Action*, page 10. Applicant was unable to find a block 670 and respectfully submits that the Examiner apparently intended to instead cite block 730. Although blocks 630 and 730 each state "evaluate content," Applicant respectfully refers the Examiner to subsequent blocks 650 and 750. These blocks each state "provide content to client device." The steps referenced by the Examiner are clearly not performed by any modules in a client application but rather by a centralized content evaluator 550. See *Dutta*, Fig. 5. Therefore, Dutta does not disclose *providing, in the client application, modules for performing content rating and content filtering* as required by claim 1. Easty fails to remedy this deficiency of Dutta.

Moreover, the portions of Dutta cited by the Examiner, and Dutta in its entirety, *teaches away* from providing, *in the client application*, modules for performing content rating and content filtering as required by claim 8.¹ Rather, Dutta discloses an incongruous content rating procedure that utilizes the centralized content evaluator 550 for all content rating. As a result, Applicant respectfully submits that the Office Action's *prima facie* case of obviousness fails.²

B. The cited art fails to disclose for a plurality of monitored computers, utilizing the client application to capture in real time all requests for data as the monitored user accesses digital content as required by claim 8.

Applicant respectfully submits that neither Easty nor Dutta discloses the claim 8 feature of, *for a plurality of monitored computers, utilizing the client application to capture in real time all requests for data as the monitored user accesses digital content*. Easty's system does not utilize a client application to *capture any* requests for data. Rather, Easty's server extracts affinity information from user requests for proprietary content *specifically directed to and received by the system*. The user requests for digital content are not captured and they do not constitute all requests for data for the user. For instance, when the user requests data from any

¹ See M.P.E.P. § 2143.01.

² *Id.*

server other than Easty's, Easty's server would not have any record of the communication. Thus, Easty does not teach capturing all requests for data as the monitored user accesses digital content as required by claim 8. Dutta fails to remedy this deficiency of Easty.

C. The cited art fails to render claims 8 and 11 obvious.

For at least the reasons above, Applicant respectfully submits that Easty and Dutta, either singly or in combination, fail to render independent claim 8 obvious. Applicant respectfully requests that the rejection under 35 U.S.C. § 103 of claim 8 as obvious over Easty and Dutta be withdrawn.

Claim 11 depends from and further restricts independent claim 8 in a patentable sense. For at least the reasons given with respect to claim 8, Applicant respectfully submits that claim 11 patentably distinguishes over the combination of Easty and Dutta. Applicant respectfully requests that the rejection under 35 U.S.C. § 103 of claim 11 as obvious over Easty and Dutta be withdrawn.

II. Rejection under 35 U.S.C. § 103 of Claim 10

Claim 10 stands rejected under 35 U.S.C. § 103 as being unpatentable over Dutta and Easty in view of U.S. Patent Publication No. 2003/0149755 to Sadot ("Sadot"). Sadot discloses a method of selecting a server to represent a virtual server hosted by a plurality of servers. Claim 10 depends from and further patentably restricts independent claim 8. Applicant respectfully submits that Sadot fails to remedy any of the deficiencies of Easty and Dutta noted above with respect to claim 8. For at least the reasons given above with respect to claim 8, Applicant respectfully submits that claim 10 is in condition for allowance. Applicant respectfully requests that the rejection under 35 U.S.C. § 103 of claim 10 be withdrawn.

III. Rejection under 35 U.S.C. § 103 of Claim 12

Claim 12 stands rejected under 35 U.S.C. § 103 as unpatentable over Dutta and Easty in view of U.S. Patent No. 6,947,985 to Hegli et al. ("Hegli"). Hegli discloses a method and system for providing access resources or services related to particular software applications. Claim 12

depends from and further patentably restricts independent claim 8. Applicant respectfully submits that Hegli fails to remedy any of the deficiencies of Easty and Dutta noted above with respect to claim 8. For at least the reasons given above with respect to claim 8, Applicant respectfully submits that claim 12 is in condition for allowance. Applicant respectfully requests that the rejection under 35 U.S.C. § 103 of claim 12 be withdrawn.

IV. Rejection under 35 U.S.C. § 103 of Claim 13

Claim 13 stands rejected as being unpatentable over Dutta and Easty in view of U.S. Patent Publication No. 2003/0084184 to Eggleston et al. ("Eggleston"). Eggleston discloses a system including a rate governor for monitoring and controlling the amount of communications between a remote communication unit and a communication server. Claim 13 depends from and further patentably restricts independent claim 8. Applicant respectfully submits that Eggleston fails to remedy any of the deficiencies of Easty and Dutta noted above with respect to claim 8. For at least the reasons given above with respect to claim 8, Applicant respectfully submits that claim 13 is in condition for allowance. Applicant respectfully requests that the rejection of 35 U.S.C. § 103 of claim 13 be withdrawn.

V. Conclusion

In view of the above remarks, Applicant believes the application to be in condition for allowance. A Notice to that effect is respectfully requested.

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